

FISCAL NOTE

HB 2968 - SB 3389

February 23, 2008

SUMMARY OF BILL: Expands the “Drug-Free School Zone” to include any sexual offense, any felony involving a deadly weapon, and carjacking committed on school grounds or within 1000 feet of any public or private school, preschool, child care agency, public library, recreational center or park. Persons who commit these offenses on the grounds of or within 1000 feet of any preschool, child care agency, public library, recreational center or park shall be subject to fines ranging from a maximum \$10,000 for a Class E felony to a maximum \$100,000 for a Class A felony in addition to any other penalty imposed. If offenses are committed on the grounds of or within 1000 feet of any elementary, middle or secondary school, offenders are required to serve a mandatory minimum sentence one classification higher than is currently provided for these offenses in addition to the increased fines. Requires offenders to serve at least the minimum sentence for the appropriate range of sentence prior to eligibility for sentence reduction credits. If the offense is currently a Class A felony, the presumptive sentence shall be the maximum within the range.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$4,423,300/Incarceration*

Assumptions:

- The bill deletes Tenn. Code Ann. § 39-17-432 which created the “Drug-Free School Zone,” but includes those drug offenses in the newly created “Crime-Free School Zone.”
- Based on the number of admissions to the Department of Correction (DOC) and the number of convictions per the Administrative Office of the Courts for FY07 for the violations under this bill, and assuming that one-half of one percent were committed within 1000 feet of any public or private school, preschool, child care agency, public library, recreational center or park, 32 offenders would serve a mandatory minimum sentence one classification higher than is currently provided for these offenses.
- DOC estimates one offender per year would receive a Class A with a minimum 20-year sentence under this bill who would currently receive a Class B at 85 percent. According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09

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percent per year in the past ten years. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional 13.2 years as a result of this bill. The cost per inmate at 6.8 years is \$155,926.69 (\$62.78 x 2,483.7 days). The cost per inmate at 20.0 years is \$458,607.90 (\$62.78 x 7,305 days). The cost per inmate in the tenth year is \$385,230.64 (\$62.78 x 6,136.2 days). The additional cost in the tenth year of increasing the average sentence length from 6.8 years to 20.0 years is \$229,303.95 (\$385,230.64 - \$155,926.69).

- DOC estimates three offenders per year would receive a Class A with a minimum 20-year sentence under this bill who would currently receive a Class B at 30 percent. The maximum cost in the tenth year is based on three offenders serving an additional 17.6 years as a result of this bill. The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The cost per inmate at 20.0 years is \$458,607.90 (\$62.78 x 7,305 days). The cost per inmate in the tenth year is \$284,336.90 (\$62.78 x 4,529.10 days). The additional cost in the tenth year of increasing the average sentence length from 2.4 years to 20.0 years is \$229,303.95 (\$284,336.90 - \$55,032.95). The total additional operating cost for three offenders is \$687,911.85 (\$229,303.95 x 3).
- DOC estimates 14 offenders per year would receive a Class B with a minimum eight-year sentence under this bill who would currently receive a Class C at 30 percent. Population growth of 1.09 percent per year will result in two additional offenders in the tenth year. The maximum cost in the tenth year is based on 16 offenders serving an additional 7.1 years as a result of this bill. The cost per inmate at 0.9 years is \$20,637.67 (\$62.78 x 328.73 days). The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The additional cost of increasing the average sentence length from 0.9 years to 8.0 is \$162,805.49 (\$183,443.16 - \$20,637.67). The total additional cost for 16 offenders is \$2,604,887.84 (\$162,805.49 x 16).
- DOC estimates two offenders per year would receive a Class B with a minimum eight-year sentence under this bill who would currently receive a Class C served on probation. The maximum cost in the tenth year is based on two offenders serving an additional 8.0 years as a result of this bill. The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The total additional cost for two offenders is \$366,886.32 (\$183,443.16 x 2).
- DOC estimates one offender per year would receive a Class C with a minimum three-year sentence under this bill who would currently receive a Class D at 30 percent. The maximum cost in the tenth year is based on one offender serving an additional 2.4 years as a result of this bill. The cost per inmate at 0.6 years is \$13,758.24 (\$62.78 x 219.15 days). The cost per inmate at 3.0 years is \$68,791.19 (\$62.78 x 1,095.75 days). The additional cost of increasing the average sentence length from 0.6 years to 3.0 years is \$55,032.95

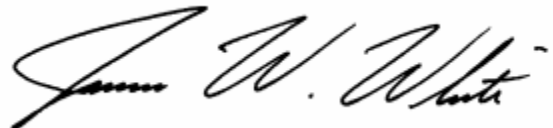
(\$68,791.19 - \$13,758.24). The total additional cost for one offender is \$55,032.95.

- DOC estimates one offender per year would receive a Class C with a minimum three-year sentence under this bill who would currently receive a Class D served on probation. The cost per inmate at 3.0 years is \$68,791.19 (\$62.78 x 1,095.75 days). The total additional cost for one offender is \$68,791.19.
- DOC estimates six offenders per year would receive a Class D with a minimum two-year sentence under this bill who would currently receive a Class E at 30 percent. Population growth of 1.09 percent per year will result in one additional offender in the tenth year. The maximum cost in the tenth year is based on seven offenders serving an additional 1.7 years. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The cost per inmate at 2.0 years is \$45,860.79 (\$62.78 x 730.50 days). The additional cost of increasing the average sentence length from 0.3 years to 2.0 years is \$38,981.36 (\$45,860.79 - \$6,879.43). The total additional cost for seven offenders is \$272,869.52 (\$38,981.36 x 7).
- DOC estimates two offenders per year would receive a Class D with a minimum two-year sentence under this bill who would currently receive a Class E served on probation. The cost per inmate at 2.0 years is \$45,860.79 (\$62.78 x 730.50 days). The total additional cost for two offenders is \$91,721.58 (\$45,860.79 x 2).
- DOC estimates two offenders per year would receive a Class E with a minimum one-year sentence under this bill who would currently receive a Class A misdemeanor. The maximum cost in the tenth year is based on two offenders serving a minimum one-year sentence. The cost per inmate at 1.0 year is \$22,930.40 (\$62.78 x 365.25 days). The total additional cost for two offenders is \$45,860.80 (\$22,930.40 x 2).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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